

1 BANNING MICKLOW & BULL LLP
Edward M. Bull III, SBN 141996
2 Eugene A. Brodsky, SBN 36691
Steuart Tower, One Market, Suite 1440
3 San Francisco, California 94105
Telephone: (415) 399-9191
4 Facsimile: (415) 399-9192

5 Attorneys for Plaintiff
Georgina Henson
6

7
8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN FRANCISCO DIVISION
11

12
13 GEORGINA HENSON

14
15 Plaintiff,

16 vs.

17 CAMELLIA CARRIERS, and DOES 1
18 through 20, inclusive,

19 Defendants.
20

CASE NO.: C-08 3757 JCS

ADMINISTRATIVE MOTION TO
CONSIDER WHETHER CASE
SHOULD BE RELATED
PURSUANT TO CIVIL L.R. 7-11

21
22 1. **PRIOR ACTIONS:**

23
24 A Longshoreman's complaint for Damages pursuant to the Longshore and
25 Harbors Workers' Compensation Act, 33 U.S.C § 901 et seq., on behalf of the
26 plaintiff, GEORGINA HENSON, was filed in the California Superior Court, County
27 of Alameda, Case No. RG 08376724, against Defendant MITSUI O.S.K. LINES,
28 LTD, et al. on March 14, 2008.

1 On May 8, 2008, A Notice of Removal of Action under 28 U.S.C. § 1441 (b)
2 (Diversity) was filed by defendant MITSUI O.S.K. LINES, LTD., incorporated in
3 Japan, with a principal place of business in Tokyo, Japan. The action was transferred
4 to the Northern District and assigned Case No. C-08 02375 JL.

5
6 On or about May 13, 2008, counsel for MITSUI O.S.K. LINES, LTD filed an
7 Answer with Magistrate Judge James Larson, who had been assigned the case.
8 Defendants' answer, *inter alia*, alleged as a Third Affirmative Defense that the MOL
9 EXPLORER, the vessel upon which plaintiff was injured, was owned by Camellia
10 Carriers which had time chartered the vessel to MITSUI O.S.K. LINES, LTD., for a
11 period of fifteen years. Under Maritime law, the vessel owner, Carrellia Carriers
12 retained control over management and navigation of the vessel, and absent an
13 agreement to the contrary, the time charterer assumes no liability for negligence.
14 Based upon these facts, plaintiff and defendant filed a Notice of Voluntary Dismissal
15 with the District Court on or about July 21, 2008.

16
17 **2. FILING OF RELATED ACTION, LOCAL RULE 3-12; 7-11:**
18

19 On August 6th, 2008, an action was filed in the matter of GEORGINA
20 HENSON v. CAMELLIA CARRIERS, C-08 3757 JCS, and the case was assigned to
21 Magistrate Judge Joseph C. Spero. This action is related to substantially the same
22 transaction or event as those underlying HENSON v. MITSUI O.S.K. LINES, LTD,
23 Case No. C-08 02375 JL, and therefore plaintiff is required to file an Administrative
24 Motion to Consider Whether Cases Should be Related and either assigned to
25 Magistrate Judges Larson or Spero pursuant to Civil L.R. 7-11. The only known
26 parties to be served with this Administrative Motion are prior defendant MITSUI
27 O.S.K. LINES, LTD (served via this efileing) as international service of summons on
28 Defendant Camellia Carriers is not yet complete (and likely will not be for many

1 weeks). This Amended Motion is being filed to correct clerical errors in the original
2 motion.

3
4 DATED: August 15, 2008

BANNING MICKLOW & BULL LLP

6 By /s/ Edward M. Bull III

7 Edward M. Bull III
8 Eugene A. Brodsky

9 Attorneys for Plaintiff
10 Georgina Henson
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

DECLARATION OF SERVICE

CASE NAME: *Henson v. Camellia Carriers,*
CASE NO.: 08-3757 JCS

I, the undersigned, am a citizen of the United States, over 18 years of age, and not a party to the within entitled action; I am employed at and my business address is, One Market, Steuart Tower, Suite 1440, San Francisco, California. On this date I served the following document(s):

AMENDED ADMINISTRATIVE MOTION TO CONSIDER WHETHER CASE SHOULD BE RELATED PURSUANT TO CIVIL L.R. 7-11

on the parties stated below, through their attorneys of record, by placing true copies thereof in sealed envelopes addressed as shown below by the following means of service:

EMARD DANOFF PORT TAMULSKI & PAETZOLD LLP
Andrew I. Port
Katharine Essick Snively
49 Stevenson Street, Suite 400
San Francisco, CA 94105
Attorneys for Defendant MITSUI O.S. K. LINES, LTD


X: **By First Class Mail** - I caused each such envelope, with first-class postage thereon fully prepaid, to be deposited in a recognized place of deposit of the U.S. mail in San Francisco, California, for collection to the office of the addressee following ordinary business practices.

 : **By Personal Service** - I personally caused delivery of each such envelope to the office of the addressee.

 : **By Overnight Courier** - I caused each such envelope to be given to an overnight mail service at San Francisco, California, to be hand delivered to the office of the addressee on the next business day.

 : **Facsimile** - (Only where permitted. Must consult CCP §1012.5 and California Rules of Court 2001-2011. Also consult FRCP Rule 5(e). Not currently authorized in N.D. CA)

I declare under penalty of perjury that the foregoing is true and correct. Executed on August 15, 2008, at San Francisco, California.


Jean Culver